

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

M. RANDY RICE, TRUSTEE FOR
JODY L. CLARK,

Plaintiff,

vs.

No. 5:11-cv-00097-SWW

UNION PACIFIC RAILROAD COMPANY,

Defendant/Third Party
Plaintiff,

vs.

GUNDERSON RAIL SERVICES, LLC,
D/B/A GREENBRIER RAIL SERVICES
PINE BLUFF D/B/A GUNDERSON
WHEEL SERVICES AND D/B/A
GUNDERSON, INC.

Third Party Defendant.

ORDER

Plaintiff M. Randy Rice, Trustee for Jody L. Clark, brings this damages action under the Federal Employer's Liability Act (FELA), 45 U.S.C. § 51 *et seq.*, for personal injuries Clark states he sustained while working for defendant Union Pacific Railroad Company (Union Pacific).¹ Union Pacific, in turn, has filed a third party complaint for indemnity against Gunderson Rail Services, LLC, d/b/a Greenbrier Rail Services Pine Bluff d/b/a Gunderson

¹ After this action was filed, Clark filed for bankruptcy. By Order entered October 11, 2011 [doc.#25], the Court granted Clark's motion to substitute M. Randy Rice, Trustee, as a plaintiff in this matter, but did not allow Clark to remain as a plaintiff as he does not have standing to pursue this claim.

Wheel Services and d/b/a Gunderson, Inc. (Gunderson), alleging that the loss alleged by Clark is the result of failure and negligence of Gunderson.

Before the Court is an agreed motion to change venue [doc.#36]. All parties ask that this action be transferred from Pine Bluff to Little Rock as most of the witnesses either reside or work in Little Rock. Noting that this action is set for trial on May 29, 2012, all parties state that they agree to a continuance if the trial date cannot be kept because of moving the trial to Little Rock.

Having considered the matter, the Court hereby grants the joint motion to change venue and directs the Clerk of Court to transfer this action to the United States District Court for the Eastern District of Arkansas Western Division. Upon transfer, the Court will evaluate its docket. If the current trial date is impacted the parties will be so advised.

IT IS SO ORDERED this 21st day of February 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE